



9/Letter  
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8-9-95

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zumberge et al.	)	Art Unit:	2616
		)		
Serial No.:	08/212,731	)	Examiner:	Noori, M.
		)		
Filed:	March 14, 1994	)	<b>1022.003A</b>	
		)		
For:	"OPTICAL FIBER GRAVITY METER"	)	June 2, 1995	
		)	750 B Street, Suite 3120	
		)	San Diego, CA 92101	
		)		

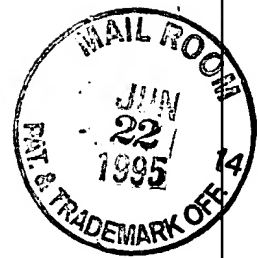
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

The below comments are submitted on the statement of reasons for allowance contained in the Notice of Allowability dated March 14, 1995:

Applicants agree that the allowed combination of structure set forth in the claims is patentable over the cited references. Applicants would like to point out that it is the claimed combination of structure that renders the present invention patentable. Consequently, the statement in the above-mentioned Notice of Allowability to the effect that the Examiner has placed "major emphasis" on particular individual elements of the claims cannot legally be taken to contradict the axiom that it is the invention "as a whole", without any particular emphasis on any particular element, that has satisfied the conditions for patentability; 35 U.S.C. §103; Hybridtech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed.Cir. 1986).



CASE NO.: 1022.003A

Issue Batch No.: J92

Date of Notice of Allowance: March 21, 1995

Serial No.: 08/212,731

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For:	"OPTICAL FIBER GRAVITY METER"	)	June 19, 1995	
		)	750 B Street, Suite 3120	
		)	San Diego, CA 92101	
		)		

**TRANSMITTAL LETTER FOR - RESPONSE TO NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

In response to the Notice of Allowance and Issue Fee Due dated March 21, 1995, enclosed herewith are the following:

- (1) A transmittal letter for - Response to Notice of Allowance and Issue Fee Due in 2 pages with certificate of mailing;
- (2) A check in the amount of \$605.00 to cover the Issue Fee, along with an additional check for \$30.00 to cover cost of ten (10) advance order soft copy patents, regular mail;



CASE NO.: 1022.003A

Issue Batch No.: J92

Date of Notice of Allowance: March 21, 1995

Serial No.: 08/212,731

Page 2

- (3) An Issue Fee Transmittal Form (Form PTOL-85B), with Certificate of Mailing on reverse;
- (4) Comments on Statement of Reasons for Allowance in 2 pages;
- (5) 6 sheets of Formal Drawings;
- (6) A copy of the Notice of Allowability, Form PTOL-37;
- (7) Acknowledgment Postcard.

Respectfully submitted,

John L. Rogitz  
Attorney of Record  
Registration No. 33,549  
750 "B" Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg

enclosures

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Box Issue Fee, Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

6/19, 1995.

DATE SIGNED: 6/19, 1995

JOHN L. ROGITZ, Attorney of Record  
Registration No. 33,549

CASE NO.: 1022.003A  
Serial No.: 08/212,731  
June 2, 1995  
Page 2



PATENT  
Filed: March 14, 1994

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John L. Rogitz".

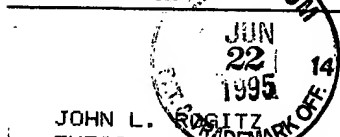
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg

## PART B—ISSUE FEE TRANSMITTAL

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 2 through 6 should be completed where appropriate. The correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to addressee in Block 1 unless you direct otherwise, by: (a) specifying a new correspondence address in Block 3 below; or (b) providing the PTO with a separate ADDRESS for maintenance fee notifications with the payment of Issue Fee or thereafter. See reverse for Certificate of Mailing.

CORRESPONDENCE ADDRESS



E6M1/0321

JOHN L. ROGITZ  
FUSS, DAVIDENAS & MEADOWS  
501 WEST BROADWAY, SUITE 1600  
SAN DIEGO, CA 92101-3536

PAPER TO BE ENTERED

2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)

INVENTOR'S NAME

Street Address

City, State and ZIP Code

CO-INVENTOR'S NAME

Street Address

City, State and ZIP Code

☐ Check if additional changes are on reverse side

CLASS CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/212,731	03/14/94	022	NOORI, M 2616	03/21/95
Named Inventor: ZUMBERGE, MARK A. Title: OPTICAL FIBER GRAVITY METER				

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1022.003A	073-382.00R	J92	UTILITY	YES	\$605.00	06/21/95

Correspondence address change (Complete only if there is a change)

N L. ROGITZ, ESQ.  
FUSS & DAVIDENAS  
"B" STREET, SUITE 3120  
SAN DIEGO, CA 92101

4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR, alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.

1. JOHN L. ROGITZ

2. \_\_\_\_\_

3. \_\_\_\_\_

DO NOT USE THIS SPACE

AW 07/17/95 08212731

1 242 605.00 CK

AW 07/17/95 08212731 1 361 30.00 CK

FOR ASSIGNEE  
Regents of the University of California

ADDRESS (CITY & STATE OR COUNTRY)  
Lakeside Dr., 22nd Flr., Oakland, CA 94612

Application is NOT assigned.

Assignment previously submitted to the Patent and Trademark Office.

Assignment is being submitted under separate cover. Assignments should be filed to Box ASSIGNMENTS.

**EASIE NOTE:** Unless an assignee is identified in Block 5, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing assignment.

6a. The following fees are enclosed:

☒ Issue Fee ☒ Advance Order - # of Copies 10

6b. The following fees should be charged to:

 DEPOSIT ACCOUNT NUMBER 10  
 (ENCLOSE PART C)

☐ Issue Fee ☐ Advance Order - # of Copies  
☐ Any Deficiencies in Enclosed Fees

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

(Date)

6/19/95

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

TRANSMIT THIS FORM WITH FEE-CERTIFICATE OF MAILING ON REVERSE

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Box ISSUE FEE  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

on

6/19/95

(Date)

JOHN L. ROGITZ

(Name of person making deposit)

(Signature)

6/19/95

(Date)

Note: If this certificate of mailing is used, it can only be used to transmit the Issue Fee. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Office of Information Systems, Patent and Trademark Office, Washington, D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, (Project 0654-0033), Washington, D.C. 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Box Issue Fee, Washington, DC 20231.